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**CERTIFICATE OF MAILING**

I hereby certify that this **RESPONSE TO NOTICE OF NON-COMPLIANT AMENDMENT Under 35 C.F.R. 1.121** is being deposited with the United States Postal Service as first class mail in an envelope addressed to: MAIL STOP PCT, Commissioner of Patents, P.O. Box 1450, Arlington, VA 22313-1450 on this day of June 3, 2004.

*Barbara Brazier*

Barbara Brazier

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF : WRIGHT, et al.  
FOR : **UPRIGHT VACUUM CLEANER WITH CYCLONIC AIRFLOW**  
SERIAL NO. : 10/074,615  
FILED : February 12, 2002  
EXAMINER : Terrence R. Till  
ART UNIT : 1744  
LAST OFFICE ACTION : October 31, 2003  
CONFIRMATION NO. : 6318  
ATTORNEY DOCKET NO. : RYLZ 2 00535-3-4

**RESPONSE TO NOTICE OF NON-COMPLIANT AMENDMENT**  
**UNDER 35 C.F.R. 1.121**

MAIL STOP Amendment  
Commissioner for Patents  
P. O. Box 1450  
Arlington, VA 22313-1450

Dear Sir:

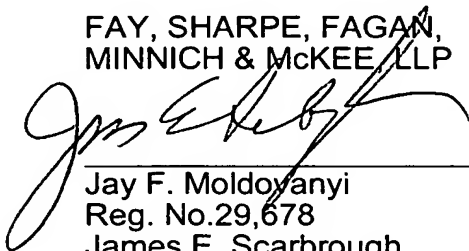
Responsive to the Notice of Non-Compliant Amendment (copy attached hereto) mailed May 6, 2004, Applicants submit the following:

- an Amendment with each claim providing the proper status identifier

No fees are believed to be due. In the event, however, that any fees are due, applicants authorize the Commissioner to charge any fees which may be required to Deposit Account No. 06-0308.

Respectfully submitted,

FAY, SHARPE, FAGAN,  
MINNICH & McKEE, LLP

A handwritten signature in black ink, appearing to read "Jay F. Moldovanyi", is written over a horizontal line.

Jay F. Moldovanyi  
Reg. No. 29,678  
James E. Scarbrough  
Reg. No. 47,056  
1100 Superior Avenue  
Seventh Floor  
Cleveland, Ohio 44114-2518  
216/861-5582

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## UNITED STATES PATENT AND TRADEMARK OFFICE

10/074615  
COMMISSIONER FOR F  
UNITED STATES PATENT AND TRADEMARK  
P.O. Box  
ALEXANDRIA, VA 22312  
www.us

## BEST AVAILABLE COPY

Paper No.

## Notice of Non-Compliant Amendment (37 CFR 1.121)

The amendment document filed on 2/23/04 is considered non-compliant because it has failed to meet the requirements of 37 CFR 1.121, as amended on June 30, 2003 (see 68 Fed. Reg. 38611, Jun. 30, 2003). In order for the amendment document to be compliant, correction of the following item(s) is required. Only the corrected section of the non-compliant amendment document must be resubmitted (in its entirety), e.g., the entire "Amendments to the claims" section of applicant's amendment document must be re-submitted. 37 CFR 1.121(h).

## THE FOLLOWING CHECKED (X) ITEM(S) CAUSE THE AMENDMENT DOCUMENT TO BE NON-COMPLIANT:

- ☐ 1. Amendments to the specification:
- ☐ A. Amended paragraph(s) do not include markings.
  - ☐ B. New paragraph(s) should not be underlined.
  - ☐ C. Other \_\_\_\_\_
- ☐ 2. Abstract:
- ☐ A. Not presented on a separate sheet. 37 CFR 1.72.
  - ☐ B. Other \_\_\_\_\_
- ☐ 3. Amendments to the drawings: \_\_\_\_\_
- ☒ 4. Amendments to the claims:
- ☐ A. A complete listing of all of the claims is not present.
  - ☐ B. The listing of claims does not include the text of all claims (including withdrawn claims)
  - ☒ C. Each claim has not been provided with the proper status identifier, and as such, the individual status of each claim cannot be identified.
  - ☐ D. The claims of this amendment paper have not been presented in ascending numerical order.
  - ☐ E. Other: \_\_\_\_\_

For further explanation of the amendment format required by 37 CFR 1.121, see MPEP Sec. 714 and the USPTO website at <http://www.uspto.gov/web/offices/pac/dapp/opla/preognotice/officeflyer.pdf>.

If the non-compliant amendment is a **PRELIMINARY AMENDMENT**, applicant is given **ONE MONTH** from the mail date of this letter to supply the corrected section which complies with 37 CFR 1.121. Failure to comply with 37 CFR 1.121 will result in non-entry of the preliminary amendment and examination on the merits will commence without consideration of the proposed changes in the preliminary amendment(s). This notice is not an action under 35 U.S.C. 132, and this **ONE MONTH** time limit is not extendable.

If the non-compliant amendment is a reply to a **NON-FINAL OFFICE ACTION** (including a submission for an RCE), and since the amendment appears to be a *bona fide* attempt to be a reply (37 CFR 1.135(c)), applicant is given a **TIME PERIOD** of **ONE MONTH** from the mailing of this notice within which to re-submit the corrected section which complies with 37 CFR 1.121 in order to avoid abandonment. **EXTENSIONS OF THIS TIME PERIOD ARE AVAILABLE UNDER 37 CFR 1.136(a).**

If the amendment is a reply to a **FINAL REJECTION**, this form may be an attachment to an Advisory Action. The period for response to a final rejection continues to run from the date set in the final rejection, and is not affected by the non-compliant status of the amendment.

James L. Install  
Legal Instruments Examiner (LIE)

(571) 272-1056  
Telephone No.



**CERTIFICATE OF MAILING**

I hereby certify that this **AMENDMENT** for Serial No. 10/074,615 is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 3rd day of June, 2004.

By Barbara Brazier  
Barbara Brazier

**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

IN RE APPLICATION OF : Wright, et al.  
FOR : **UPRIGHT VACUUM CLEANER  
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ATTORNEY DOCKET NO. : RYLZ 2 00535-3-4

Cleveland, Ohio 44114-2518

**AMENDMENT**

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

In response to the Office Action of October 31, 2003, please amend the above-identified application as follows:

**Amendments to the Claims** are reflected in the listing of claims which begins on page 2 of this paper.

**Remarks/Arguments** begin on page 15 of this paper.